

From: Peeler, Dave [dpee461@ECY.WA.GOV]

Sent: Monday, January 31, 2005 1:15 PM

To: AGR MI Endangered Species Program

Cc: Hamel, Kathy; Gildersleeve, Melissa; Seeberger, Don; Shultz, Ron; Moore, Allen (ECY); Toohey, Mary (AGR); Nichols, Bob

Subject: Comments to the Washington State Endangered Species Protection Plan for Pesticide Use

Thank you for providing Ecology with the opportunity to comment on the draft Washington State Endangered Species Protection Plan for Pesticide Use. We appreciate being able to work closely and collaboratively with the Department of Agriculture on pesticide issues. Staff in the Water Quality Program reviewed and provided comments to me about this plan and these comments are captured below. However, in general Water Quality Program staff thought the plan was well-written and well-thought out and we commend you for an excellent effort.

Comment 1

The plan is focused only on agricultural pesticide use patterns and EPA pesticide approval, and does not address any Clean Water Act requirements that may apply. However, this plan has the potential to create awkward regulatory situations when a pesticide's use is approved safe for use under ESA, but may not meet the sometimes more stringent Clean Water Act requirements. A situation could occur where one state agency has made agreements with agricultural users and federal agencies, and another state agency would then potentially require different or more stringent use conditions based on CWA requirements. This can be both confusing and frustrating for all concerned, and Ecology wants to avoid that situation. We recommend that Ecology and Department of Agriculture work together as this plan goes forward to make sure all parties are aware of any differing requirements. We also recommend that the document explicitly state that it does not address Clean Water Act requirements, which could result in additional or modified requirements.

Comment 2

Overall the plan looks very good. The idea of developing county bulletins for better environmental protection and management of pesticides is excellent. The flow chart needs some clarification. On page 9 under Phase 1: WSDA/EPA collaboration, it speaks to EPA providing WSDA with the pesticides and relevant timelines, etc. However, the flow chart doesn't show that. It shows that the reviews are initiated from WSDA, not EPA. The flow chart should be modified to indicate the process is initiated by EPA and goes to WSDA.

Thank you again for providing Ecology for the opportunity to provide comments to the draft Washington State Endangered Species Protection Plan for Pesticide use.

David C. Peeler
Water Quality Program Manager
Washington Department of Ecology